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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,520

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Anthony J. Baerlocher

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EXAMINER

BROCKETTI, JULIE K

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 10/10/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,520

Applicant(s)

BAERLOCHER ET AL.

Examiner

Julie K Brockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 8, 11-13, 15, 17, 18, 31-34, 38-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Acres, U.S. Patent No. 6,375,567 B1. Acres discloses a gaming device comprising a central game including at least one player selectable transfer to a peripheral game outcome. The gaming device includes a plurality of peripheral games, wherein at least one peripheral game includes a player selectable return to the central game outcome and a transfer to another peripheral game outcome (See Acres Fig. 3; col. 3 lines 25-41). The player initially plays the central game. The player plays one of the peripheral games after the player picks one of the transfer outcomes. The player plays the central game again if the player picks the return outcome in the played peripheral game and the player plays another peripheral game if the player picks the transfer to another peripheral game outcome in the played

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peripheral games (See Acres Fig. 3). For example, a player selects the transfer to a peripheral game by initiating game play in the central game.

Consequently, the transfer outcome in the central game includes a plurality of player selectable transfer components. Furthermore, the transfer outcomes in the central game can be reselected so that the player plays the same peripheral game more than once (See Acres col. 3 lines 25-30). For example, a player may spin the reels of the gaming machine and achieve a certain combination, which results in the secondary game being started. If the player spins that combination again, the bonus game will be restarted. The central game or at least one of the peripheral games includes at least one game terminator outcome (See Acres col. 10 lines 36-40; col. 11 lines 12-17). For example, in the central game a regular winning outcome or a losing outcome is a game terminator since the game does not continue. In the secondary and tertiary game, if a player takes too much time they become ineligible for the bonus and the bonus game is terminated. The central game or at least one of the peripheral games includes at least one reward (See Acres col. 4 line 57; col. 5 lines 13-16). Each of the peripheral games includes a return to the central game outcome; consequently, at least one of the peripheral games includes a game terminator (See Acres Fig. 3). The transfer to a peripheral game outcome in the central game includes a plurality of transfer components (See Acres col. 9 lines 11-42). The central game and the peripheral games are displayed on separate displays (See Acres Figs. 1 & 2). At least one of the central game and

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the peripheral games are displayed on an electromechanical device (See Acres Fig. 1). Furthermore, at least one of the central game and the peripheral games is displayed on a wheel (See Acres Fig. 6; col. 9 lines 21-24). In the game of Acres a player is enabled to play a central game that includes at least one transfer to a peripheral game outcome. The player is transferred to a first peripheral game when the transfer outcome is selected. The game enables the player to play the first peripheral game, which includes a return to the central game outcome and a transfer to another peripheral game outcome. The player is transferred back to the central game if the return outcome is selected and the game enables the player to play the central game. The player is transferred to a second peripheral game if the transfer to another peripheral game outcome is selected and the player is enabled to play the second peripheral game.

Consequently, the game includes a plurality of peripheral games, a transfer outcome for a plurality of the peripheral games and the repetition of the aforementioned method a plurality of times (See Acres Fig. 3). Furthermore, the plurality of different outcomes are player selectable (See Acres col. 4 lines 42-45). For example, the player selects an outcome every time they spin the reels. The transferring to the first peripheral game from the central game includes playing the first peripheral game on a different electromechanical device than a device on which the central game is played. The electromechanical devices are spinning wheels. The transferring to the second peripheral game from the first peripheral game includes playing a second

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peripheral game on a different electromechanical device than a device on which the first peripheral game is played. The first and second peripheral games are played on electromechanical spinning wheels (See Acres Figs. 1 & 6; col. 9 lines 21-42). The game is provided to the player through a data network (See Acres col. 4 lines 26-37).

Claims 21-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson, U.S. Patent No. 6,364,766 B1. Anderson discloses a gaming device comprising a central game including a transfer to a peripheral game outcome (See Anderson col. 3 lines 20-25). The game machine has a plurality of peripheral games (See Anderson col. 4 lines 59-61). Each bonus game includes a return to central game outcome, which is replayed after the return outcome is selected (See Anderson col. 5 lines 35-39). The peripheral game is played after the transfer is selected (See Anderson col. 4 lines 59-61). The plurality of peripheral games have corresponding transfer outcomes (See Anderson col. 4 lines 59-61). One of the peripheral games is randomly chosen after the transfer is selected (See Anderson col. 3 lines 65-67). The central game and the peripheral games each include at least one award outcome. The at least one award outcome of the central game has a different value than the at least one award outcome of the peripheral games (See Anderson col. 4 lines 20-45; col. 5 lines 23-24). The central game and the peripheral games each include a game terminator outcome. For example, the game terminator outcome in the central game is when the reels stop on a basic winning combination or a losing

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combination in which no bonus play is actuated. While in the peripheral game the game terminator outcome is when the words have been unscrambled (See Anderson col. 4 lines 13-16; col. 6 lines 59-61). The central game includes a plurality of transfer outcomes and each of the peripheral games includes the return outcome (See Anderson col. 4 lines 59-61; col. 5 lines 35-39). At least one of the transfer outcome and the return outcome is player selectable. For example, the player selects a letter and if that letter completes a word the bonus game is over (See Anderson col. 6 lines 6-8). The Examiner points out that these claims use the "or" conjunction. Consequently, the claim limitation is satisfied by Anderson if limitation A or limitation B is disclosed. The Examiner is not stating that Anderson discloses a transfer to another peripheral game outcome from a peripheral game or a plurality of transfer component outcomes; however, due to the claim language, these limitations do not have to be met for Anderson to anticipate the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres, U.S. Patent No. 6,375,567 B1. Acres lacks in disclosing that the central game is displayed on a single wheel. However, Acres does teach that the peripheral games are displayed on a single wheel on a single display device (See Acres col. 9 lines 21-34; Fig. 2). It would have been obvious to have the central game be played on a wheel. Acres acknowledges that his gaming device may be used with a variety of games. Therefore, it is obvious that the central game can use a single wheel. Wheel games are popular among gaming players and it is obvious to use a popular game for one's central game on a gaming machine because more people will play the game and profits would be high. It is also obvious to have the separate wheels be displayed on a single display. By using a single display, space is saved in the gaming device and fewer components need to be used. Therefore, the gaming device would be less expensive and smaller which is desirable among gaming machines.

Claims 2, 3, 7, 10, 14 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres in view of Barrie, UK Patent Application GB 2144644 A. Acres lacks in having the peripheral games include a plurality of return to the central game outcomes. However, Acres does teach that one peripheral game, i.e. the secondary game, transfers a player to another peripheral game, i.e. the third. However, Acres lacks in teaching that each peripheral game is capable of transferring to another peripheral game. Acres

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discloses that a player is returned to the central game if they become ineligible for the secondary game based on a period of time. Barrie teaches of a gaming machine in which players select one of five doors. The central game includes a plurality of player selectable masked selections, and at least one of the masked selections, when selected yields the transfer to a peripheral game outcome. Only one of the doors will allow a player continue to the next round, while all of the others return the player back to the central game. For example, if the player selects a trap door, a tiger or even an award, the game is terminated and the player is transferred back to the beginning of the game. The game also includes a transfer to another peripheral game outcome. For example, the door that shows a hallway transfers the player to another scene with multiple doors, i.e. the next level where the player has to play again. Consequently, each of the peripheral games includes a transfer to another peripheral game outcome. (See Barrie page 2 lines 53-65). It would have been obvious to have a plurality of doors with hallways so that more than one door would transfer the player to another peripheral game. By having more chances to transfer to the peripheral game, the probability of the player winning the game is higher and therefore so is the player's enjoyment. It would also have been obvious at the time the invention was made to include the concept of transferring to various peripheral games from each peripheral game based on player selection into the invention of Acres. By a player being able to transfer from the third peripheral game to the second in Acres, players are able to continue the bonus play, which

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increases their enthusiasm in the game, and they will play for longer periods of time. The central game and peripheral games are displayed on a single display in Barrie (See Barrie Fig. 1). It would have been obvious at the time the invention was made to include a single display in Acres for displaying both the central game and peripheral games. By using only one display, fewer components are needed and space in the machine is saved. Acres also lacks in disclosing that the transfer outcomes in the central game cannot be reselected. In the game of Barrie the transfer outcomes in the central game cannot be reselected so that the player cannot replay the peripheral games (See Barrie page 2 lines 53-65). For example, in Barrie when a player selects a transfer outcome, i.e. a door with a hallway in one game level, they can never select that hallway again because it is eliminated from game play once selected. It would have been obvious at the time the invention was made to eliminate the transfer outcomes once used from game play in the invention of Acres. That way a player has only one chance at a peripheral game; consequently, the gaming machine saves money by having fewer peripheral game sessions per game.

Claims 9, 16, 36, 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Acres in view of Anderson, U.S. Patent No. 6,364,766 B1. Acres discloses all of the limitations above including the following: a display device that displays the central game, central game award outcome, central game terminator outcome, peripheral game transfers, peripheral game outcomes and central game returns; and a processor which controls the central

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game, peripheral game and display device (See Acres Figs. 1 & 2). Acres lacks in disclosing that the central game includes a plurality of peripheral game transfers to a plurality of different peripheral game outcomes. Anderson teaches of a gaming machine in which the central game includes a plurality of peripheral game transfers to a plurality of different peripheral game outcomes, each transfer associated with one of the peripheral games (See Anderson col. 59-67). It would have been obvious at the time the invention was made to include multiple peripheral games to be transferred to from the central game. By having different peripheral games, players can increase their excitement in the game by not knowing which peripheral game they might end up playing. Anderson also teaches that the central game and the peripheral games are displayed on separate displays (See Anderson Fig. 1). Furthermore, it would have been obvious to display each of the peripheral games on a separate display. It would have been obvious at the time the invention was made to have the displays for the primary game of Acres and the secondary and tertiary games be different. By displaying the central game and peripheral games in different displays, the players can then easily recognize that a special event has occurred in the game and their attention needs to be directed to that event. Consequently, it is obvious to use various displays to direct a player's attention to a certain part of the game.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acres as applied to claim 38 above, and further in view of Walker et al., U.S.

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Patent No. 6,343,988 B1. Acres lacks in disclosing that the data network is the Internet. Walker et al. teaches of a gaming system in which the network may be an Internet connection (See Walker col. 3 lines 31-35). It would have been obvious at the time the invention was made to use an Internet connection for the network. The Internet is widely available and is well known in the art for use with gaming. Therefore, by using an Internet connection, the game will be able to reach a larger audience of players.

Citation of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. DeMar et al., U.S. Patent No. 6,508,707 B2.

--DeMar discloses a gaming machine in which multiple bonus games are activated in a primary game.

2. Thomas, European Patent Application No. 0945837 A2.

--Thomas teaches of a bonus game for a gaming machine in which players select symbols and either earn awards or select a termination symbol.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brocketti whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg SPE can be reached on 703-308-1327.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-5648.



Julie Brockett
Examiner
Art Unit 3713
October 1, 2003